

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

QONDADO LLC,

Plaintiff,

vs.

PAYPAL, INC.,

Defendant.

Civil Action File No.: 6:21-cv-565

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Qondado LLC brings this patent-infringement action against PayPal, Inc. (“PayPal”).

Parties

1. Plaintiff Qondado LLC is a Puerto Rico limited liability company with principle place of business at 3959 VAN DYKE RD. SUITE 136 LUTZ, FL 33558.

2. PayPal is a Delaware corporation, having its principal place of business in San Jose, California.

Jurisdiction and Venue

3. This lawsuit is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 101 et seq. The Court has subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1332, 1338(a), and 1367.

4. The Court has personal jurisdiction over Defendant for the following reasons: (1) Defendant is present within or has minimum contacts within the State of Texas and Western District of Texas; (2) Defendant has purposefully availed itself of the privileges of conducting

business in the State of Texas and in this district; (3) Defendant has sought protection and benefit from the laws of the State of Texas; (4) Defendant regularly conducts business within the State of Texas and within this district, and Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Texas and in this district; and (5) Defendant has a regular and established place of business in the State of Texas and in this district (Building D, 7700 W Parmer Ln, Austin, TX 78729).

5. Venue is proper in the Western District of Texas pursuant to 28 U.S.C. §§ 1400(b). Defendant has a regular and established place of business in this district, Defendant has transacted business in this district, and Defendant has directly and/or indirectly committed acts of patent infringement in this district.

The Patent-In-Suit

7. Qondado LLC is the exclusive owner of United States Patent No. D857,054 (the “054 patent”) entitled, “DISPLAY SCREEN OR PORTION THEREOF WITH A GRAPHICAL USER INTERFACE” and was duly and legally issued by the U.S. Patent and Trademark Office on August 20, 2019, attached hereto as “Exhibit A”.

8. The ‘054 patent claim is valid and enforceable and directed to a unique ornamental design for a display screen or portion thereof, as shown and described.

9. PayPal has not obtained permission from Qondado LLC to use the ornamental design of the ‘054 patent.

10. Attached hereto as “Exhibit B” and incorporated into this complaint as alleged herein a side-by-side claim chart setting forth a comparison of the ‘054 patented design and the accused products made by PayPal. The known Accused Products made by PayPal are:

- a) PayPal main application distributed globally in the Apple iOS App Store and Google Play Store for Android, and;
- b) PayPal HERE application distributed at least in the United States (and other countries may be disclosed during discovery) in the Apple iOS App Store and Google Play Store for Android.

As is apparent, PayPal has misappropriated Qondado LLC patented design.

Count I - Infringement of U.S. Patent No. D857,054

11. Qondado LLC reasserts and incorporates by reference the preceding paragraphs of this Complaint as fully set forth herein.

12. PayPal has infringed and continues to infringe the '054 patent by manufacturing, using, distributing, offering to sell and/or selling in the United States the PayPal and PayPal HERE mobile apps, which embodies the design covered by the '054 patent. PayPal infringing activities violate 35 U.S.C. § 271.

Damages

13. Qondado LLC has sustained damages as a direct result of PayPal's infringement of the '054 patent.

14. As a consequence of PayPal's past infringement of the '054 patent, Qondado LLC is entitled to retroactive relief against PayPal in the form of wrongfully obtained profits pursuant to 35 U.S.C. § 289 and any other appropriate relief.

15. As a consequence of PayPal's continued and future infringement of the '054 patent, Qondado LLC is entitled to royalties for its infringement of the '054 patent on a forward-going basis.

Prayer for Relief

WHEREFORE, Qondado LLC prays for the following relief against PayPal:

- (a) Judgment that PayPal has infringed the '054 patent in violation of 35 U.S.C. § 271(a);
- (b) a reasonable royalty;
- (c) Ordering the defendant to continue to pay royalties to Qondado LLC for infringement of the '054 patent on a going-forward basis;
- (d) Retroactive relief of wrongfully obtained profits including pre-judgment interest and post-judgment interest at the maximum rate allowed by law under 35 U.S.C. § 289;
- (e) Adjudging that this case is exceptional under 35 U.S.C. § 285
- (f) For such other and further relief as the Court may deem just and proper.

Demand for Jury Trial

Qondado LLC demands a trial by jury on all matters and issues triable by jury.

Date: June 3, 2021

/s/Artoush Ohanian

H. Artoush Ohanian
artoush@ohanianip.com
OhanianIP
604 West 13th Street
Austin, Texas 78701
(512) 298.2005 (telephone & facsimile)

Matthew M. Wawrzyn (application for *pro hac vice* admission forthcoming)

matt@wawrzynlaw.com

WAWRZYN LLC

200 East Randolph Street, Suite 5100

Chicago, IL 60601

(312) 235-3120 (telephone)

(312) 233-0063 (facsimile)

Counsel for Qondado LLC